



City of Seattle

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Gregory J. Nickels, Mayor

**Department of Design, Construction and Land Use**

D. M. Sugimura, Director

**CITY OF SEATTLE  
ANALYSIS AND DECISION OF THE DIRECTOR OF  
THE DEPARTMENT OF DESIGN, CONSTRUCTION AND LAND USE**

**Application Number:** 2208973

**Applicant Name:** Julie LeDoux

**Address of Proposal:** 1613 22<sup>nd</sup> Avenue

**SUMMARY OF PROPOSED ACTION**

Master Use Permit to subdivide one parcel into four unit lots (unit lot subdivision). Proposed unit lot areas are Parcel A) 1,683 square feet; Parcel B) 1,289 square feet; Parcel C) 2,140 square feet; and Parcel D) 2,508 square feet. This subdivision of property is only for the purpose of allowing sale or lease of the unit lots. Development standards will be applied to the original parcel and not to each of the new unit lots; the construction of a cottage housing development has been reviewed and approved under project #2203153.<sup>1</sup>

The following approval is required:

Short Subdivision - To subdivide one existing parcel into four unit lots. (Chapter 23.24, Seattle Municipal Code).

**SEPA DETERMINATION:**      ☒ Exempt   ☐ DNS   ☐ MDNS   ☐ EIS

☐ DNS with conditions

☐ DNS involving non-exempt grading or demolition, or  
involving another agency with jurisdiction.

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<sup>1</sup> The original Notice of Application (published February 6, 2003) inadvertently indicated that townhouses had been approved on the subject site. This is not correct; the related construction permit is for the construction of three “cottages.”

## **BACKGROUND DATA**

### **Site & Area Description**

The 7,620-square foot subject site (the “parent lot”) is located on the west side of 22<sup>nd</sup> Avenue, on the block between East Olive Street to the north and East Pine Street to the south. The site fronts on 22<sup>nd</sup> Avenue which is improved with curb, gutter, and sidewalks on both sides of the street. The site is currently occupied by a single-family residence, and three “cottages” have also been permitted under a related construction permit (Project #2203153/ Permit #732476). The site is not located in any mapped or observed environmentally critical areas.

The subject property and surrounding properties are located in a Residential Small Lot/Tandem Cottage zone (RSL/TC). Development in the immediate area primarily consists of single-family structures.

### **Proposal Description**

The applicant proposes to subdivide one 7,620-square foot parcel into four unit lots with the following lot areas: Parcel A) 1,683 square feet; Parcel B) 1,289 square feet; Parcel C) 2,140 square feet; and, Parcel D) 2,508 square feet. There is an existing single-family residence on the subject property; it would be located on Parcel D. Three cottages have been permitted for construction under a related construction permit (Master Use Permit #2203153). The three cottages would occupy unit lots A, B, and C.

The site fronts on 22<sup>nd</sup> Avenue, and a five-foot wide pedestrian easement would provide pedestrian access to the street. Vehicle access to the site would be from an existing ingress and egress easement that accesses the site from East Pine Street. The easement is located on the site of the Pine Street Cottages.

### **Public Comments**

The 14-day public comment period for this proposal ended on February 19, 2003. Two written comments were received during the comment period. One of the comments raised concerns about additional traffic and parking on 22<sup>nd</sup> Avenue resulting from the development. A second letter noted that the development should provide on-site parking.

## **ANALYSIS - SHORT SUBDIVISION**

Pursuant to SMC 23.24.040, no short subdivision shall be approved unless all of the following facts and conditions are found to exist. The following findings are based upon information provided by the applicant; review of access, drainage and zoning within the Department of Design, Construction and Land Use (DCLU); review from Seattle Public Utilities, Seattle Fire Department, and Seattle City Light; and review by the Land Use Planner.

1. *Conformance to the applicable Land Use Code provisions;*

The underlying construction permit for three (3) cottages (to be built around the existing single-family structure) has been approved and issued under Project #2203153/Permit #732476. This related application was reviewed to meet all applicable provisions of the Land Use Code including density, lot coverage, setbacks, open space, parking, and access. A total of four parking spaces were required for the development; this met applicable standards for the proposed use and zone. All four spaces will be accessed from an existing ingress and egress easement located off of Pine Street.

The proposed unit lot subdivision would allow separate ownership of the land associated with each of the cottages and the existing single-family residence. This purpose is consistent with the provisions of SMC 23.24.045, Unit lot subdivisions.

2. *Adequacy of access for vehicles, utilities, and fire protection as provided in Section 23.53.005;*

Access to the four proposed units was reviewed under related Master Use Permit #2203153. Although the width of the easement did not meet current code standards, a traffic safety study submitted by the applicant indicated that the easement would adequately serve a parking area for the proposed four-unit cottage housing development (SMC 23.54.030(D)(1)(f)).

All private utilities are available in this area. Seattle City Light would provide electrical service to the proposed short plat. City Light reviewed the proposal and has requested an easement to provide electrical facilities and service to the proposed lots.

The Seattle Fire Department has reviewed and approved the proposed short plat for adequate emergency vehicle access.

In conclusion, this short plat provides for adequate access for vehicles, utilities, and fire protection.

3. *Adequacy of drainage, water supply, and sanitary sewage disposal;*

This area is served with domestic water, sanitary sewer, and storm drain facilities by the City of Seattle. Availability of service is assured subject to standard conditions of utility extension.

The short plat application has been reviewed by Seattle Public Utilities, and Water Availability Certificate #2003-0118 was issued on February 6, 2003.

The existing structure located on the subject site is connected by means of a single sidesewer to an 8-inch public combined sewer (PS) located in 22<sup>nd</sup> Avenue. Sidesewer permits will be required to connect the new units constructed under related MUP #2203153.

The PS is also the appropriate point for stormwater discharge. Stormwater detention, with controlled release to the PS, is typically required for construction in excess of 2,000 square feet of developmental coverage. Plan review requirements were reviewed at the time of building permit application (MUP #2203153) in accordance with applicable stormwater ordinances in effect at that time. Therefore, drainage review has been conducted and approved in conjunction with this project.

4. *Whether the public use and interests are served by permitting the proposed division of land;*

The public use and interests would be served by permitting the proposed subdivision of land, and the proposal meets all applicable criteria for approval of a short plat as discussed in this analysis.

The proposed development would have adequate access for vehicles, utilities, and fire protection and has adequate drainage, water supply, and sanitary sewage disposal. An easement or covenant should be recorded with the final plat to ensure that addresses for all four units are visible from 22<sup>nd</sup> Avenue. The easement or covenant should ensure that address signage is both permitted and maintained.

5. *Conformance to the applicable provisions of SMC Section 25.09.240, Short subdivisions and subdivisions, in environmentally critical areas;*

The subject site is not located within a mapped or observed environmentally critical area (ECA) as set forth in SMC 25.09.020.

6. *Is designed to maximize the retention of existing trees;*

Standards for tree retention, planting, and preservation were reviewed under the related construction permit (MUP #2203153). Under that permit, a 52-inch maple and a 36-inch cedar will remain on the site..

7. *Conformance to the provisions of Section 23.24.045, Unit lot subdivisions, when the short subdivision is for the purpose of creating separate lots of record for the construction and/or transfer of title of townhouses, cottage housing, clustered housing, or single-family housing.*

The provisions of SMC Section 23.24.045 are as follows:

- A. *The provisions of this section apply exclusively to the unit subdivision of land for townhouses, cottage housing developments, residential cluster developments, and single-family residences in zones where such uses are permitted.*

The subject proposal would establish separate lots for a cottage housing development in an RSL/TC zone, thus falling within the provisions of SMC 23.24.045.

- B. Sites developed or proposed to be developed with dwelling units listed in subsection A above, may be subdivided into individual unit lots. The development as a whole shall meet development standards applicable at the time the permit application is vested. As a result of the subdivision, development on individual unit lots may be nonconforming as to some or all of the development standards based on analysis of the individual unit lot, except that any private, usable open space for each dwelling unit shall be provided on the same lot as the dwelling unit it serves.*

A related construction permit for a cottage housing development has been reviewed and approved under Master Use Permit #2203153. That related development must continue to meet applicable development standards as a whole. Usable private open space for each dwelling unit is shown on both the related construction application and the survey site plan.

- C. Subsequent platting actions, additions or modifications to the structure(s) may not create or increase any nonconformity of the parent lot.*

In order to assure proper control of future platting actions, additions or modifications to structure(s) on the subject site, a condition should be placed on the face of the plat as outlined under Criterion 'F' below.

- D. Access easements and joint use and maintenance agreements shall be executed for use of common garage or parking areas, common open space (such as common courtyard space for cottage housing), and other similar features, as recorded with the Director of the King County Department of Records and Elections.*

A joint use and maintenance agreement for the existing ingress and egress easement should be included on the final documents for recording.

- E. Within the parent lot, required parking for a dwelling unit may be provided on a different unit lot than the lot with the dwelling unit, as long as the right to use that parking is formalized by an easement on the plat, as recorded with the Director of King County Development of Records and Elections.*

Parking for all four units would be provided on proposed Parcels C and D, with parking and pedestrian access easements provided for proposed Parcels A and B.

- F. The facts that the unit lot is not a separate buildable lot, and that additional development of the individual unit lots may be limited as a result of the application of development standards to the parent lot shall be noted on the plat,*

*as recorded with the Director of the King County Department of Records and Elections.*

Review of this application shows that the proposed short subdivision would conform to applicable standards of SMC 23.24.045 and to applicable standards for unit lot subdivisions for cottage housing developments in an RSL/TC zone. To assure that future owners have constructive notice that additional development may be limited, the applicant should add a note to the face of the plat that reads as follows: *"The lots created by this unit subdivision are not separate buildable lots. Additional development on these unit lots in this unit subdivision may be limited as a result of the application of development standards to their parent lot pursuant to applicable provisions of the Seattle Land Use Code."*

### Summary

The proposed unit lot subdivision would meet all applicable requirements of SMC Chapter 23.24, Short Plats. The underlying development, when considered as a whole, meets all applicable standards set forth in the Land Use Code. The proposed unit subdivision would be provided with adequate pedestrian and vehicular access and with public and private utilities. Adequate provisions for water supply and sanitary sewage disposal have been proposed for each lot, and service is assured, subject to standard conditions governing utility extensions. Adequate provisions for drainage control have also been provided.

### **DECISION - SHORT SUBDIVISION**

The proposed Short Subdivision is **CONDITIONALLY GRANTED**.

### **CONDITIONS - SHORT SUBDIVISION**

#### Conditions of Approval Prior to Recording

The owner(s) and/or responsible party(s) shall:

1. Have final recording documents prepared by or under the supervision of a Washington State licensed land surveyor. Each lot, parcel, or tract created by the short subdivision shall be surveyed in accordance with appropriate State statutes. The property corners set shall be identified on the plat and encroachments such as side yard easements, fences or structures shall be shown. Lot areas shall be shown on the plat. All existing structures, principal and accessory, shall be shown on the face of the plat, and their distances to the proposed property lines dimensioned.
2. Submit the final recording forms for approval and any necessary fees.
3. Add the conditions of approval to the face of the plat.

4. Include an easement to provide for electrical facilities and service to the proposed lots as required by Seattle City Light (as described in Exhibit "A," P.M. #250433-3-004B) on the final short subdivision.
5. Add the following note to the face of the plat: *"The lots created by this unit subdivision are not separate buildable lots. Additional development on these unit lots in this unit subdivision may be limited as a result of the application of development standards to their parent lot pursuant to applicable provisions of the Seattle Land Use Code."*
6. Provide a joint maintenance and responsibility agreement for maintenance and use of the ingress and egress easement.
7. Record an easement or covenant with the final plat to ensure that address signage visible from 22<sup>nd</sup> Avenue is permitted and maintained for Parcels C and D.

Signature: (signature on file) Date: March 17, 2003  
Leslie C. Clark, AICP  
Land Use Planner

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